

House Engrossed Senate Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

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2010

CHAPTER 203

SENATE BILL 1144

AN ACT

AMENDING SECTIONS 13-3401 AND 13-3403, ARIZONA REVISED STATUTES; RELATING TO
DRUG OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3401, Arizona Revised Statutes, is amended to
3 read:

4 13-3401. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Administer" means to apply, inject or facilitate the inhalation or
7 ingestion of a substance to the body of a person.

8 2. "Amidone" means any substance identified chemically as
9 (4-4-diphenyl-6-dimethylamine-heptanone-3), or any salt of such substance, by
10 whatever trade name designated.

11 3. "Board" means the Arizona state board of pharmacy.

12 4. "Cannabis" means the following substances under whatever names they
13 may be designated:

14 (a) The resin extracted from any part of a plant of the genus
15 cannabis, and every compound, manufacture, salt, derivative, mixture or
16 preparation of such plant, its seeds or its resin. Cannabis does not include
17 oil or cake made from the seeds of such plant, any fiber, compound,
18 manufacture, salt, derivative, mixture or preparation of the mature stalks of
19 such plant except the resin extracted from the stalks or any fiber, oil or
20 cake or the sterilized seed of such plant which is incapable of germination.

21 (b) Every compound, manufacture, salt, derivative, mixture or
22 preparation of such resin or tetrahydrocannabinol.

23 5. "Coca leaves" means cocaine, its optical isomers and any compound,
24 manufacture, salt, derivative, mixture or preparation of coca leaves, except
25 derivatives of coca leaves which do not contain cocaine, ecgonine or
26 substances from which cocaine or ecgonine may be synthesized or made.

27 6. "Dangerous drug" means the following by whatever official, common,
28 usual, chemical or trade name designated:

29 (a) Any material, compound, mixture or preparation which contains any
30 quantity of the following hallucinogenic substances and their salts, isomers
31 and salts of isomers, unless specifically excepted, whenever the existence of
32 such salts, isomers and salts of isomers is possible within the specific
33 chemical designation:

- 34 (i) Alpha-ethyltryptamine.
- 35 (ii) Aminorex.
- 36 (iii) 4-bromo-2, 5-dimethoxyphenethylamine.
- 37 (iv) 4-bromo-2, 5-dimethoxyamphetamine.
- 38 (v) Bufotenine.
- 39 (vi) Diethyltryptamine.
- 40 (vii) 2, 5-dimethoxyamphetamine.
- 41 (viii) Dimethyltryptamine.
- 42 (ix) 5-methoxy-3, 4-methylenedioxyamphetamine.
- 43 (x) 4-methyl-2, 5-dimethoxyamphetamine.
- 44 (xi) Ibogaine.
- 45 (xii) Lysergic acid amide.

- 1 (xiii) Lysergic acid diethylamide.
- 2 (xiv) Mescaline.
- 3 (xv) 4-methoxyamphetamine.
- 4 (xvi) Methoxymethylenedioxyamphetamine (MDMA).
- 5 (xvii) Methylenedioxyamphetamine (MDA).
- 6 (xviii) 3, 4-methylenedioxyamphetamine.
- 7 (xix) 3, 4-methylenedioxy-N-ethylamphetamine.
- 8 (xx) N-ethyl-3-piperidyl benzilate (JB-318).
- 9 (xxi) N-hydroxy-3, 4-methylenedioxyamphetamine.
- 10 (xxii) N-methyl-3-piperidyl benzilate (JB-336).
- 11 (xxiii) N-(1-phenylcyclohexyl) ethylamine (PCE).
- 12 (xxiv) Nabilone.
- 13 (xxv) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).
- 14 (xxvi) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).
- 15 (xxvii) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.
- 16 (xxviii) Para-methoxyamphetamine (PMA).
- 17 (xxix) Psilocybin.
- 18 (xxx) Psilocyn.
- 19 (xxxi) Synhexyl.
- 20 (xxxii) TRIFLUOROMETHYLPHENYLPIPERAZINE (TFMPP).
- 21 ~~(xxxii)~~ (xxxiii) Trimethoxyamphetamine (TMA).
- 22 (b) Any material, compound, mixture or preparation which contains any
- 23 quantity of the following substances and their salts, optical isomers, and
- 24 salts of optical isomers having a potential for abuse associated with a
- 25 stimulant effect on the central nervous system:
- 26 (i) Amphetamine.
- 27 (ii) Benzphetamine.
- 28 (iii) BENZYLPIPERAZINE (BZP).
- 29 ~~(iii)~~ (iv) Butorphanol.
- 30 ~~(iv)~~ (v) Cathine ((+)-norpseudoephedrine).
- 31 (vi) CATHINONE.
- 32 ~~(v)~~ (vii) Chlorphentermine.
- 33 ~~(vi)~~ (viii) Clortermine.
- 34 ~~(vii)~~ (ix) Diethylpropion.
- 35 ~~(viii)~~ (x) Fencamfamin.
- 36 ~~(ix)~~ (xi) Fenethylline.
- 37 ~~(x)~~ (xii) Fenproporex.
- 38 ~~(xi)~~ (xiii) Mazindol.
- 39 ~~(xii)~~ (xiv) Mefenorex.
- 40 ~~(xiii)~~ (xv) Methamphetamine.
- 41 ~~(xiv)~~ (xvi) Methcathinone.
- 42 ~~(xv)~~ (xvii) 4-methylaminorex.
- 43 ~~(xvi)~~ (xviii) Methylphenidate.
- 44 ~~(xvii)~~ (xix) Modafinil.
- 45 ~~(xviii)~~ (xx) N-ethylamphetamine.

- 1 ~~(xi)~~ (xxi) N, N-dimethylamphetamine.
- 2 ~~(xx)~~ (xxii) Pemoline.
- 3 ~~(xxi)~~ (xxiii) Phendimetrazine.
- 4 ~~(xxii)~~ (xxiv) Phenmetrazine.
- 5 ~~(xxiii)~~ (xxv) Phentermine.
- 6 ~~(xxiv)~~ (xxvi) Pipradol.
- 7 ~~(xxv)~~ (xxvii) Propylhexedrine.
- 8 ~~(xxvi)~~ (xxviii) Pyrovalerone.
- 9 ~~(xxvii)~~ (xxvix) Sibutramine.
- 10 ~~(xxviii)~~ (xxx) Spa ((-)-1-dimethylamino-1,2-diphenylethane).
- 11 (c) Any material, compound, mixture or preparation which contains any
- 12 quantity of the following substances having a potential for abuse associated
- 13 with a depressant effect on the central nervous system:
- 14 (i) Any substance which contains any quantity of a derivative of
- 15 barbituric acid, or any salt of a derivative of barbituric acid, unless
- 16 specifically excepted.
- 17 (ii) Alprazolam.
- 18 (iii) Bromazepam.
- 19 (iv) Camazepam.
- 20 (v) Carisoprodol.
- 21 (vi) Chloral betaine.
- 22 (vii) Chloral hydrate.
- 23 (viii) Chlordiazepoxide.
- 24 (ix) Chlorhexadol.
- 25 (x) Clobazam.
- 26 (xi) Clonazepam.
- 27 (xii) Clorazepate.
- 28 (xiii) Clotiazepam.
- 29 (xiv) Cloxazolam.
- 30 (xv) Delorazepam.
- 31 (xvi) Diazepam.
- 32 (xvii) Dichloralphenazone.
- 33 (xviii) Estazolam.
- 34 (xix) Ethchlorvynol.
- 35 (xx) Ethinamate.
- 36 (xxi) Ethyl loflazepate.
- 37 (xxii) Fenfluramine.
- 38 (xxiii) Fludiazepam.
- 39 (xxiv) Flunitrazepam.
- 40 (xxv) Flurazepam.
- 41 (xxvi) Gamma hydroxy butyrate.
- 42 (xxvii) Glutethimide.
- 43 (xxviii) Halazepam.
- 44 (xxix) Haloxazolam.
- 45 (xxx) Ketamine.

- 1 (xxxi) Ketazolam.
- 2 (xxxii) Loprazolam.
- 3 (xxxiii) Lorazepam.
- 4 (xxxiv) Lormetazepam.
- 5 (xxxv) Lysergic acid.
- 6 (xxxvi) Mebutamate.
- 7 (xxxvii) Mecloqualone.
- 8 (xxxviii) Medazepam.
- 9 (xxxix) Meprobamate.
- 10 (xl) Methaqualone.
- 11 (xli) Methohexital.
- 12 (xlii) Methypylon.
- 13 (xliii) Midazolam.
- 14 (xliv) Nimetazepam.
- 15 (xlv) Nitrazepam.
- 16 (xlvi) Nordiazepam.
- 17 (xlvii) Oxazepam.
- 18 (xlviii) Oxazolam.
- 19 (xlix) Paraldehyde.
- 20 (l) Petrichloral.
- 21 (li) Phencyclidine.
- 22 (lii) Pinazepam.
- 23 (liii) Prazepam.
- 24 (liv) Scopolamine.
- 25 (lv) Sulfondiethylmethane.
- 26 (lvi) Sulfonethylmethane.
- 27 (lvii) Sulfonmethane.
- 28 (lviii) Quazepam.
- 29 (lix) Temazepam.
- 30 (lx) Tetrazepam.
- 31 (lxi) Tiletamine.
- 32 (lxii) Triazolam.
- 33 (lxiii) Zaleplon.
- 34 (lxiv) Zolazepam.
- 35 (lxv) Zolpidem.
- 36 (d) Any material, compound, mixture or preparation which contains any
- 37 quantity of the following anabolic steroids and their salts, isomers or
- 38 esters:
- 39 (i) Boldenone.
- 40 (ii) Clostebol (4-chlorotestosterone).
- 41 (iii) Dehydrochloromethyltestosterone.
- 42 (iv) Drostanolone.
- 43 (v) Ethylestrenol.
- 44 (vi) Fluoxymesterone.
- 45 (vii) Formebolone (formebolone).

- 1 (viii) Mesterolone.
- 2 (ix) Methandriol.
- 3 (x) Methandrostenolone (methandienone).
- 4 (xi) Methenolone.
- 5 (xii) Methyltestosterone.
- 6 (xiii) Mibolerone.
- 7 (xiv) Nandrolone.
- 8 (xv) Norethandrolon.
- 9 (xvi) Oxandrolone.
- 10 (xvii) Oxymesterone.
- 11 (xviii) Oxymetholone.
- 12 (xix) Stanolone (4-dihydrotestosterone).
- 13 (xx) Stanozolol.
- 14 (xxi) Testolactone.
- 15 (xxii) Testosterone.
- 16 (xxiii) Trenbolone.

17 7. "Deliver" means the actual, constructive or attempted exchange from
18 one person to another, whether or not there is an agency relationship.

19 8. "Director" means the director of the department of health services.

20 9. "Dispense" means distribute, leave with, give away, dispose of or
21 deliver.

22 10. "Drug court program" means a program that is established pursuant
23 to section 13-3422 by the presiding judge of the superior court in
24 cooperation with the county attorney in a county for the purpose of
25 prosecuting, adjudicating and treating drug dependent persons who meet the
26 criteria and guidelines for entry into the program that are developed and
27 agreed on by the presiding judge and the prosecutor.

28 11. "Drug dependent person" means a person who is using a substance
29 that is listed in paragraph 6, 19, 20, 21 or 28 of this section and who is in
30 a state of psychological or physical dependence, or both, arising from the
31 use of that substance.

32 12. "Federal act" has the same meaning prescribed in section 32-1901.

33 13. "Isoamidone" means any substance identified chemically as
34 (4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3), or any salt of such
35 substance, by whatever trade name designated.

36 14. "Isonipecaïne" means any substance identified chemically as
37 (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt of
38 such substance, by whatever trade name designated.

39 15. "Ketobemidone" means any substance identified chemically as
40 (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or any
41 salt of such substance, by whatever trade name designated.

42 16. "Licensed" or "permitted" means authorized by the laws of this
43 state to do certain things.

44 17. "Manufacture" means produce, prepare, propagate, compound, mix or
45 process, directly or indirectly, by extraction from substances of natural

1 origin or independently by means of chemical synthesis, or by a combination
2 of extraction and chemical synthesis. Manufacture includes any packaging or
3 repackaging or labeling or relabeling of containers. Manufacture does not
4 include any producing, preparing, propagating, compounding, mixing,
5 processing, packaging or labeling done in conformity with applicable state
6 and local laws and rules by a licensed practitioner incident to and in the
7 course of his licensed practice.

8 18. "Manufacturer" means a person who manufactures a narcotic or
9 dangerous drug or other substance controlled by this chapter.

10 19. "Marijuana" means all parts of any plant of the genus cannabis,
11 from which the resin has not been extracted, whether growing or not, and the
12 seeds of such plant. Marijuana does not include the mature stalks of such
13 plant or the sterilized seed of such plant which is incapable of germination.

14 20. "Narcotic drugs" means the following, whether of natural or
15 synthetic origin and any substance neither chemically nor physically
16 distinguishable from them:

- 17 (a) Acetyl-alpha-methylfentanyl.
- 18 (b) Acetylmethadol.
- 19 (c) Alfentanil.
- 20 (d) Allylprodine.
- 21 (e) Alphacetylmethadol.
- 22 (f) Alphameprodine.
- 23 (g) Alphamethadol.
- 24 (h) Alpha-methylfentanyl.
- 25 (i) Alpha-methylthiofentanyl.
- 26 (j) Alphaprodine.
- 27 (k) Amidone (methadone).
- 28 (l) Anileridine.
- 29 (m) Benzethidine.
- 30 (n) Benzylfentanyl.
- 31 (o) Betacetylmethadol.
- 32 (p) Beta-hydroxyfentanyl.
- 33 (q) Beta-hydroxy-3-methylfentanyl.
- 34 (r) Betameprodine.
- 35 (s) Betamethadol.
- 36 (t) Betaprodine.
- 37 (u) Bezitramide.
- 38 (v) Buprenorphine and its salts.
- 39 (w) Cannabis.
- 40 (x) Carfentanil.
- 41 (y) Clonitazene.
- 42 (z) Coca leaves.
- 43 (aa) Dextromoramide.
- 44 (bb) Dextropropoxyphene.
- 45 (cc) Diampromide.

1	(dd)	Diethylthiambutene.
2	(ee)	Difenoxin.
3	(ff)	Dihydrocodeine.
4	(gg)	Dimenoxadol.
5	(hh)	Dimepheptanol.
6	(ii)	Dimethylthiambutene.
7	(jj)	Dioxaphetyl butyrate.
8	(kk)	Diphenoxylate.
9	(ll)	Dipipanone.
10	(mm)	Ethylmethylthiambutene.
11	(nn)	Etonitazene.
12	(oo)	Etoxeridine.
13	(pp)	Fentanyl.
14	(qq)	Furethidine.
15	(rr)	Hydroxypethidine.
16	(ss)	Isoamidone (isomethadone).
17	(tt)	Pethidine (meperidine).
18	(uu)	Ketobemidone.
19	(vv)	Levomethorphan.
20	(ww)	Levomoramide.
21	(xx)	Levophenacymorphan.
22	(yy)	Levorphanol.
23	(zz)	Metazocine.
24	(aaa)	3-methylfentanyl.
25	(bbb)	1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
26	(ccc)	3-methylthiofentanyl.
27	(ddd)	Morpheridine.
28	(eee)	Noracymethadol.
29	(fff)	Norlevorphanol.
30	(ggg)	Normethadone.
31	(hhh)	Norpipanone.
32	(iii)	Opium.
33	(jjj)	Para-fluorofentanyl.
34	(kkk)	Pentazocine.
35	(lll)	Phenadoxone.
36	(mmm)	Phenampromide.
37	(nnn)	Phenazocine.
38	(ooo)	1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
39	(ppp)	Phenomorphane.
40	(qqq)	Phenoperidine.
41	(rrr)	Piminodine.
42	(sss)	Piritramide.
43	(ttt)	Proheptazine.
44	(uuu)	Properidine.
45	(vvv)	Propiram.

- 1 (www) Racemethorphan.
- 2 (xxx) Racemoramide.
- 3 (yyy) Racemorphan.
- 4 (zzz) Remifentanil.
- 5 (aaaa) Sufentanil.
- 6 (bbbb) Thenylfentanyl.
- 7 (cccc) Thiofentanyl.
- 8 (dddd) Tilidine.
- 9 (eeee) Trimeperidine.

10 21. "Opium" means any compound, manufacture, salt, isomer, salt of
11 isomer, derivative, mixture or preparation of the following, but does not
12 include apomorphine or any of its salts:

- 13 (a) Acetorphine.
- 14 (b) Acetyldihydrocodeine.
- 15 (c) Benzylmorphine.
- 16 (d) Codeine.
- 17 (e) Codeine methylbromide.
- 18 (f) Codeine-N-oxide.
- 19 (g) Cyprenorphine.
- 20 (h) Desomorphine.
- 21 (i) Dihydromorphine.
- 22 (j) Drotebanol.
- 23 (k) Ethylmorphine.
- 24 (l) Etorphine.
- 25 (m) Heroin.
- 26 (n) Hydrocodone.
- 27 (o) Hydromorphenol.
- 28 (p) Hydromorphone.
- 29 (q) Levo-alphaacetylmethadol.
- 30 (r) Methyl-desorphine.
- 31 (s) Methyl-dihydromorphine.
- 32 (t) Metopon.
- 33 (u) Morphine.
- 34 (v) Morphine methylbromide.
- 35 (w) Morphine methylsulfonate.
- 36 (x) Morphine-N-oxide.
- 37 (y) Myrophine.
- 38 (z) Nalorphine.
- 39 (aa) Nicocodeine.
- 40 (bb) Nicomorphine.
- 41 (cc) Normorphine.
- 42 (dd) Oxycodone.
- 43 (ee) Oxymorphone.
- 44 (ff) Pholcodine.
- 45 (gg) Thebacon.

1 (hh) Thebaine.

2 22. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
3 phenylpropanolamine product" means a product that contains ephedrine,
4 pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is
5 all of the following:

6 (a) Approved for sale under the federal act.

7 (b) Labeled, advertised and marketed only for an indication that is
8 approved by the federal food and drug administration.

9 (c) Either:

10 (i) A nonliquid that is sold in package sizes of not more than three
11 grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
12 phenylpropanolamine and that is packaged in blister packs containing not more
13 than two dosage units or, if the use of blister packs is technically
14 infeasible, that is packaged in unit dose packets or pouches.

15 (ii) A liquid that is sold in package sizes of not more than three
16 grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
17 phenylpropanolamine.

18 23. "Peyote" means any part of a plant of the genus *Lophophora*, known
19 as the mescal button.

20 24. "Pharmacy" means a licensed business where drugs are compounded or
21 dispensed by a licensed pharmacist.

22 25. "Practitioner" means a person licensed to prescribe and administer
23 drugs.

24 26. "Precursor chemical I" means any material, compound, mixture or
25 preparation which contains any quantity of the following substances and their
26 salts, optical isomers or salts of optical isomers:

27 (a) N-acetylanthranilic acid.

28 (b) Anthranilic acid.

29 (c) Ephedrine.

30 (d) Ergotamine.

31 (e) Isosafrole.

32 (f) Lysergic acid.

33 (g) Methylamine.

34 (h) N-ethylephedrine.

35 (i) N-ethylpseudoephedrine.

36 (j) N-methylephedrine.

37 (k) N-methylpseudoephedrine.

38 (l) Norephedrine.

39 (m) (-)-Norpseudoephedrine.

40 (n) Phenylacetic acid.

41 (o) Phenylpropanolamine.

42 (p) Piperidine.

43 (q) Pseudoephedrine.

1 27. "Precursor chemical II" means any material, compound, mixture or
2 preparation which contains any quantity of the following substances and their
3 salts, optical isomers or salts of optical isomers:

- 4 (a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- 5 (b) 4-cyano-1-methyl-4-phenylpiperidine.
- 6 (c) Chlorophedrine.
- 7 (d) Chlorpseudoephedrine.
- 8 (e) Ethyl-4-phenylpiperidine-4-carboxylate.
- 9 (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- 10 (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- 11 (h) N-formyl amphetamine.
- 12 (i) N-formyl methamphetamine.
- 13 (j) Phenyl-2-propanone.
- 14 (k) 1-piperidinocyclohexane carbonitrile.
- 15 (l) 1-pyrrolidinocyclohexane carbonitrile.

16 28. "Prescription-only drug" does not include a dangerous drug or
17 narcotic drug but means:

18 (a) Any drug which because of its toxicity or other potentiality for
19 harmful effect, or the method of its use, or the collateral measures
20 necessary to its use, is not generally recognized among experts, qualified by
21 scientific training and experience to evaluate its safety and efficacy, as
22 safe for use except by or under the supervision of a medical practitioner.

23 (b) Any drug that is limited by an approved new drug application under
24 the federal act or section 32-1962 to use under the supervision of a medical
25 practitioner.

26 (c) Every potentially harmful drug, the labeling of which does not
27 bear or contain full and adequate directions for use by the consumer.

28 (d) Any drug required by the federal act to bear on its label the
29 legend "Caution: Federal law prohibits dispensing without prescription" or
30 "RX only".

31 29. "Produce" means grow, plant, cultivate, harvest, dry, process or
32 prepare for sale.

33 30. "Regulated chemical" means the following substances in bulk form
34 that are not a useful part of an otherwise lawful product:

- 35 (a) Acetic anhydride.
- 36 (b) Hypophosphorous acid.
- 37 (c) Iodine.
- 38 (d) Sodium acetate.
- 39 (e) Red phosphorus.
- 40 (f) Gamma butyrolactone (GBL).
- 41 (g) 1, 4-butanediol.
- 42 (h) Butyrolactone.
- 43 (i) 1, 2 butanediol.
- 44 (j) 2-oxanalone.
- 45 (k) Tetrahydro-2-furanone.

1 (l) Dihydro-2(3H)-furanone.

2 (m) Tetramethylene glycol.

3 31. "Retailer" means either:

4 (a) A person other than a practitioner who sells any precursor
5 chemical or regulated chemical to another person for purposes of consumption
6 and not resale, whether or not the person possesses a permit issued pursuant
7 to title 32, chapter 18.

8 (b) A person other than a manufacturer or wholesaler who purchases,
9 receives or acquires more than twenty-four grams of a precursor chemical.

10 32. "Sale" or "sell" means an exchange for anything of value or
11 advantage, present or prospective.

12 33. "Sale for personal use" means the retail sale for a legitimate
13 medical use in a single transaction to an individual customer, to an employer
14 for dispensing to employees from first aid kits or medicine chests or to a
15 school for administration pursuant to section 15-344.

16 34. "Scientific purpose" means research, teaching or chemical analysis.

17 35. "Suspicious transaction" means a transaction to which any of the
18 following applies:

19 (a) A report is required under the federal act.

20 (b) The circumstances would lead a reasonable person to believe that
21 any person is attempting to possess a precursor chemical or regulated
22 chemical for the purpose of unlawful manufacture of a dangerous drug or
23 narcotic drug, based on such factors as the amount involved, the method of
24 payment, the method of delivery and any past dealings with any participant.

25 (c) The transaction involves payment for precursor or regulated
26 chemicals in cash or money orders in a total amount of more than two hundred
27 dollars.

28 (d) The transaction involves a sale, a transfer or furnishing to a
29 retailer for resale without a prescription of ephedrine, pseudoephedrine,
30 (-)-norpseudoephedrine or phenylpropanolamine that is not an ordinary
31 ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine
32 product.

33 36. "Threshold amount" means a weight, market value or other form of
34 measurement of an unlawful substance as follows:

35 (a) One gram of heroin.

36 (b) Nine grams of cocaine.

37 (c) Seven hundred fifty milligrams of cocaine base or hydrolyzed
38 cocaine.

39 (d) Four grams or 50 milliliters of PCP.

40 (e) Nine grams of methamphetamine, including methamphetamine in liquid
41 suspension.

42 (f) Nine grams of amphetamine, including amphetamine in liquid
43 suspension.

44 (g) One-half milliliter of lysergic acid diethylamide, or in the case
45 of blotter dosage units fifty dosage units.

1 (h) Two pounds of marijuana.

2 (i) For any combination consisting solely of those unlawful substances
3 listed in subdivisions (a) through (h) of this paragraph, an amount equal to
4 or in excess of the threshold amount, as determined by the application of
5 section 13-3420.

6 (j) For any unlawful substance not listed in subdivisions (a) through
7 (h) of this paragraph or any combination involving any unlawful substance not
8 listed in subdivisions (a) through (h) of this paragraph, a value of at least
9 one thousand dollars.

10 37. "Transfer" means furnish, deliver or give away.

11 38. "Vapor-releasing substance containing a toxic substance" means A
12 ~~paint or varnish dispensed by the use of aerosol spray, or any glue,~~ MATERIAL
13 which releases vapors or fumes containing ANY OF THE FOLLOWING:

14 (a) KETONES, INCLUDING acetone, METHYL ETHYL KETONE, MIBK, MIAK,
15 ISOPHORONE AND MESITYL OXIDE. ~~, volatile acetates, benzene, butyl alcohol,~~
16 ~~ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl~~
17 ~~ethyl ketone, pentachlorophenol, petroleum ether, toluene, volatile ketones,~~
18 ~~isophorone, chloroform, methylene chloride, mesityl oxide, xylene, cumene,~~
19 ~~ethylbenzene, trichloroethylene, mibk, miak, mek or diacetone alcohol or~~
20 ~~isobutyl nitrite~~

21 (b) HYDROCARBONS, INCLUDING PROPANE, BUTANE, PENTANE, HEXANE, HEPTANE
22 AND HALOGENATED HYDROCARBONS.

23 (c) ETHYLENE DICHLORIDE.

24 (d) PENTACHLOROPHENOL.

25 (e) CHLOROFORM.

26 (f) METHYLENE CHLORIDE.

27 (g) TRICHLOROETHYLENE.

28 (h) DIFLUOROETHANE.

29 (i) TETRAFLUOROETHANE.

30 (j) ALDEHYDES, INCLUDING FORMALDEHYDE.

31 (k) ACETATES, INCLUDING ETHYL ACETATE AND BUTYL ACETATE.

32 (l) AROMATICS, INCLUDING BENZENE, TOLUENE, XYLENE, ETHYLBENZENE AND
33 CUMENE.

34 (m) ALCOHOLS, INCLUDING METHYL ALCOHOL, ETHYL ALCOHOL, ISOPROPYL
35 ALCOHOL, BUTYL ALCOHOL AND DIACETONE ALCOHOL.

36 (n) ETHER, INCLUDING DIETHYL ETHER AND PETROLEUM ETHER.

37 (o) NITROUS OXIDE.

38 (p) AMYL NITRITE.

39 (q) ISOBUTYL NITRITE.

40 39. "Weight" unless otherwise specified includes the entire weight of
41 any mixture or substance that contains a detectable amount of an unlawful
42 substance. If a mixture or substance contains more than one unlawful
43 substance, the weight of the entire mixture or substance is assigned to the
44 unlawful substance that results in the greater offense. If a mixture or
45 substance contains lysergic acid diethylamide, the offense that results from

1 the unlawful substance shall be based on the greater offense as determined by
2 the entire weight of the mixture or substance or the number of blotter dosage
3 units. For the purposes of this paragraph, "mixture" means any combination
4 of substances from which the unlawful substance cannot be removed without a
5 chemical process.

6 40. "Wholesaler" means a person who in the usual course of business
7 lawfully supplies narcotic drugs, dangerous drugs, precursor chemicals or
8 regulated chemicals that he himself has not produced or prepared, but not to
9 a person for the purpose of consumption by the person, whether or not the
10 wholesaler has a permit that is issued pursuant to title 32, chapter 18.
11 Wholesaler includes a person who sells, delivers or dispenses a precursor
12 chemical in an amount or under circumstances that would require registration
13 as a distributor of precursor chemicals under the federal act.

14 Sec. 2. Section 13-3403, Arizona Revised Statutes, is amended to read:

15 13-3403. Possession and sale of a vapor-releasing substance
16 containing a toxic substance; regulation of sale;
17 exceptions; classification

18 A. A person shall not knowingly:

19 1. Breathe, inhale or drink a vapor-releasing substance containing a
20 toxic substance.

21 2. Sell, transfer or offer to sell or transfer a vapor-releasing
22 substance containing a toxic substance to a person under eighteen years of
23 age.

24 3. Sell, transfer or offer to sell or transfer a vapor-releasing
25 substance containing a toxic substance if such person is not, at the time of
26 sale, transfer or offer, employed by or engaged in operating a licensed
27 commercial establishment at a fixed location regularly offering such
28 substance for sale and such sale, transfer or offer is made in the course of
29 employment or operation.

30 B. A person making a sale or transfer of a vapor-releasing glue
31 containing a toxic substance shall require identification of the purchaser
32 and shall record:

33 1. The name of the glue.

34 2. The date and hour of delivery.

35 3. The intended use of the glue.

36 4. The signature and address of the purchaser.

37 5. The signature of the seller or deliverer.

38 Such record shall be kept for three years and be available to board
39 inspectors and peace officers.

40 C. The operator of a commercial establishment shall keep all
41 vapor-releasing glue containing a toxic substance in a place that is
42 unavailable to customers without the assistance of the operator or an
43 employee of the establishment.

44 D. The operator of a commercial establishment selling vapor-releasing
45 paints and varnishes containing a toxic substance dispensed by the use of any

1 aerosol spray device shall conspicuously display an easily legible sign of
2 not less than eleven by fourteen inches which states: "Warning: inhalation
3 of vapors can be dangerous".

4 E. This section is not applicable to the transfer of a vapor-releasing
5 substance containing a toxic substance from a parent or guardian to his child
6 or ward, or the sale or transfer made for manufacturing or industrial
7 purposes.

8 F. Subsection A, paragraphs 2 and 3 and subsections B and C do not
9 apply to substances certified by the department of health services as
10 containing an additive ~~which~~ THAT inhibits inhalation or induces sneezing.

11 G. A person who violates any provision of this section is guilty of a
12 class 5 felony, but the court ~~may~~, having regard to the nature and
13 circumstances of the offense, MAY enter judgment of conviction for a class 1
14 misdemeanor and make disposition accordingly or may place the defendant on
15 probation in accordance with chapter 9 of this title and refrain from
16 designating the offense as a felony or misdemeanor until the probation is
17 terminated. The offense shall be treated as a felony for all purposes until
18 such time as the court ~~may actually enter~~ ENTERS an order designating the
19 offense a misdemeanor.

20 H. FOR THE PURPOSES OF SUBSECTIONS A AND E, "VAPOR-RELEASING SUBSTANCE
21 CONTAINING A TOXIC SUBSTANCE" MEANS PAINT OR VARNISH DISPENSED BY THE USE OF
22 AEROSOL SPRAY, OR ANY GLUE, THAT RELEASES VAPORS OR FUMES CONTAINING ACETONE,
23 VOLATILE ACETATES, BENZENE, BUTYL ALCOHOL, ETHYL ALCOHOL, ETHYLENE
24 DICHLORIDE, ISOPROPYL ALCOHOL, METHYL ALCOHOL, METHYL ETHYL KETONE,
25 PENTACHLOROPHENOL, PETROLEUM ETHER, TOLUENE, VOLATILE KETONES, ISOPHORONE,
26 CHLOROFORM, METHYLENE CHLORIDE, MESITYL OXIDE, XYLENE, CUMENE, ETHYLBENZENE,
27 TRICHLOROETHYLENE, MIBK, MIAK, MEK OR DIACETONE ALCOHOL OR ISOBUTYL NITRITE.

APPROVED BY THE GOVERNOR APRIL 28, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2010.